

REMARKS

In the outstanding Office Action, the Examiner contends that the application contains three patentably distinct inventions, namely:

Group I, claims 1-4, drawn to a nucleic acid and a labeled probe, classified in class 536, subclass 23.1;

Group II, claims 5-8, drawn to methods of detecting chlorinated ethylene-decomposing bacteria, classified in class 435, subclass 6; and

Group III, claims 9-20, drawn to methods of decomposing at least one of chlorinated ethylene and chlorinated ethane, classified in class 435, subclass 166.

Applicants elect the claim of Group I (claims 1-4) for further prosecution in this application, without traverse.

Applicants reserve the right to prosecute the non-elected claims and sequences in a divisional application.

Additionally, the Examiner has required Applicants to elect a single sequence species from SEQ ID NOS. 1-15. Applicants elect SEQ ID NO. 3.

It is noted, however, that claims 1-4 of elected Group I are generic, and that upon allowance of a claim directed to the elected species, Applicants will be entitled to consideration of claims to additional species, which are written in dependent form or otherwise include all limitations of a generic claim as provided by 37 C.F.R. § 1.141.

It is believed that no fees are required for this submission. However, should the U.S. Patent and Trademark Office determine that any fee is due or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

Should the Examiner believe that direct contact with Applicants' attorney would advance prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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